

**A SUBSTITUTE ORDINANCE BY**

**03-O-0112**

**COUNCILMEMBER DEBI STARNES**

**A SUBSTITUTE ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(b) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS FOR PACKAGE STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE LISTED IN SECTION 10-88.1 FOR AN ESTABLISHMENT LOCATED AT 1061 PONCE DE LEON AVENUE AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has promulgated legislation which specifically provides that there must be at least 600 feet between stores licensed to sell alcohol by the package and a church; and

**WHEREAS**, Market One, located at 1061 Ponce de Leon Avenue, is an establishment seeking a license to sell beer and wine by the package; and

**WHEREAS**, the establishment located at 1061 Ponce de Leon Avenue primary products are fresh and organic produce and prepared food, offered at reasonable prices; and

**WHEREAS**, 1061 Ponce de Leon Avenue lies within 600 feet of a church; and

**WHEREAS**, the community leaders and the community-at-large have demonstrated that they strongly support this exception, while acknowledging the importance of Section 10.88.1 as an overall protection to the public;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:**

**SECTION 1:**

That Chapter 10, Article II, Section 10-92(b), of the City of Atlanta Code of Ordinances be amended by adding the following:

- (iv) *That parcel of land known as 1061 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta. This exemption shall be valid so long as an establishment located on said parcel of land derives less than fifteen percent (15%) of gross receipts from the sale of alcoholic beverages.*

**SECTION 2:**

That all ordinances or parts or ordinances in conflict herewith are hereby repealed.